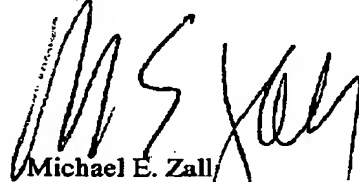


The Office action, paragraph 12 references US Patent Nos. 7,236,948 (Fig.6), 6,823,550 (Figs. 1-3 and 12) and 6,735,547 (Fig. 2) and JP 2003-52416 (Abstract and Claims). The claims now presented can be distinguished from these references in that they do not teach or suggest obtaining measurements for *a specific difference in length between a first toe and a second toe, a specific first toe height ratio and a specific preference of fit* to determine shoe fit.

Applicant also submits herewith a supplemental IDS submitting to the Office JP Patent Laid Open No. 2000-152804 and 2000-354503 and the Abstracts therefore that were cited in the priority application JP No. 2003-11188. Applicant asserts that the Claims presented distinguish over these references.

Applicant respectfully asserts that all of the claims now presented are allowable and requests that this application pass to allowance.

Respectfully Submitted,



Michael E. Zall
Attorney for Applicant
Two Yorkshire Drive
Suffern, NY 10901
Tel.: (845) 357-4533
Fax.: (845) 357-4616

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Reg. No. 27,023

I hereby certify that this correspondence is being telefaxed to the Commissioner for Patents and Trademarks to (571) 273-8300 on June 10, 2008.


Michael E. Zall